

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

The Examiner noted that claims 12-42 are withdrawn from further consideration. Claims 12-42 as presented above have been associated with the status identifier "withdrawn".

The Examiner objected that the title was not descriptive. The title has been revised as suggested by the Examiner.

The Examiner advised that the Abstract should be revised to reflect the elected method. The Abstract has been revised above.

Original claims 1-11 were objected to as including noted informalities. Claims 2-11 have been amended as suggested by the Examiner. With regard to claim 1, the ceramic material is what is molded to produce the ceramic green sheets. Claim 1, and also claim 12 which included similar language, have been amended to avoid confusion in this regard.

Original claims 1-3 and 8-11 were rejected under 35 USC 103(a) as unpatentable over Yokotani in view of applicant's admitted prior art (APA). Applicant respectfully traverses this rejection.

It is respectfully submitted that even if the problem to be solved, that is the reaction of a remaining Cu oxide with PbO is recognized, it would not have been obvious for a person skilled in this art to conceive of the present invention because each step's conditions could affect one another. A Cu oxide-reducing reaction in the present invention occurs very quickly under an atmosphere containing hydrogen gas and oxygen gas, and the inventors intensively studied the relationship between an electrode's reduction step and a sintering step in a reducing atmosphere so as to solve

the above-noted problem. Finally, the inventors found that a great amount of remaining Cu oxide cannot be reduced in the sintering step in a reducing atmosphere, while a formed Pb is easily changed to PbO in that step since Pb formation is suppressed to a low level, as shown in Figure 10. The inventors could not and would not have conceived of the present invention without this finding, which is not taught or in anyway suggested by the prior art. It is therefore respectfully submitted that the cited art does not teach or suggest the claimed invention.

Rejections based on 35 USC §103 must rest on a factual basis with these facts being interpreted without hindsight reconstruction of the invention from the prior art. The Examiner has initial duty of supplying the factual basis for the rejection. The Examiner may not resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis. See In re Wanery, 379 F.2d 1011, 1017, 154 USPQ 173, 177-78 (CCPA 1967).

Reconsideration and withdrawal of the rejection based on Yokotani are required.

Applicant notes with appreciation the Examiner's indication that claims 4-7 are not rejected over the prior art. It is understood that these claims will be allowed if re-written in independent form.


All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

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Appl. No. 10/700,371
March 5, 2007

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in black ink, appearing to read "Michelle N. Lester", written over a horizontal line.

Michelle N. Lester

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